

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 CRAIG JAMES NEIL,

12 Petitioner,

13 v.

14 DAVID B. LONG,

15 Respondent.
16

No. 2:13-cv-2312 CMK P

ORDER

17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2254. Petitioner has also paid the filing fee.

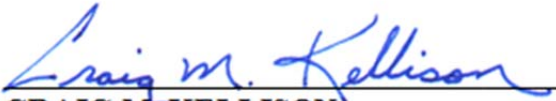
19 Petitioner challenges the August 28, 2012, decision of the California Board of Parole
20 Hearings to deny him parole. Consequently, the instant petition is one for review of the execution
21 of a sentence imposed by a California state court. See Rosas v. Nielsen, 428 F.3d 1229, 1232 (9th
22 Cir. 2005) (denial of parole is “a decision ‘regarding the execution’ of” a prison sentence.) As a
23 general rule, “[t]he proper forum to challenge the execution of a sentence is the district where the
24 prisoner is confined.” Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitioner is
25 incarcerated at Ironwood State Prison, County of Riverside, which lies in the Central District of
26 California. See 28 U.S.C. § 84(a).

27 Pursuant to 28 U.S.C. § 2241(d), courts in both the district of conviction and the district of
28 confinement have concurrent jurisdiction over applications for habeas corpus filed by state

1 prisoners. While petitioner was convicted in this district, for the reasons set forth supra, the
2 proper forum for the instant challenge is in the district of confinement. In the interest of justice,
3 this court may transfer this action “to any other district where it might have been brought.” 28
4 U.S.C. § 1404(a). Therefore, in the interest of justice, this action will be transferred to the United
5 States District Court for the Central District of California.

6 In accordance with the above, IT IS HEREBY ORDERED that this matter is transferred to
7 the United States District Court for the Central District of California. 28 U.S.C. § 2241(d); 28
8 U.S.C. § 1406(a).

9
10 Dated: November 18, 2013


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15 /kly
neil 13cv2312.108.bphden
16
17
18
19
20
21
22
23
24
25
26
27
28